

14023 U.S. PTO  
07/21/03

PTO/SB/05 (06-03)

Approved for use through 07/31/2003. OMB 0651-0032

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

First Inventor

Title

Express Mail Label No.

James C. Smith  
Closure Device for Containers  
ET 203168439 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 35]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 11]
5. Oath or Declaration [Total Sheets 2]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Reader Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement [Power of Attorney]  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 [Copies of IDS Citations]
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

Prior application information:

Examiner

Nathan Newhouse

Art Unit:

3727

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number:

OR ☒ Correspondence address below

Name

James C. Smith  
336 Harder Road

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510 537-5423

Name (Print/Type)

James C. Smith

Registration No. (Attorney/Agent)

Signature

James C. Smith

Date

7/21/2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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19704 U.S. PTO  
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07/21/03

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Examiner Name: Nathan J. Newhouse  
Group Art Unit: 3727

"Express Mail" Label No. ET203168439US

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BOX PATENT APPLICATION  
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Alexandria, Va 22313-1450

Date of Deposit: July 21 2003

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above, addressed to:

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is the

- ☐ patent application of  
☐ continuation patent application of  
☒ divisional patent application of  
☐ continuation-in-part patent application of

Assistant Commissioner for Patents  
Washington, D. C. 20231

By: James C. Smith

Inventor(s)/Applicant Identifier: JAMES C. SMITH

For: **CLOSURE DEVICE FOR CONTAINERS**

- ☒ This application claims priority from each of the following Application Nos/filing dates:

This is a divisional of 10/113,237 filed March 28, 2002 which is a divisional of 09/645,109 filed August 23, 2000 (Pat. 6,375,028) which is a divisional of 08/895,494 filed July 16, 1997 (Pat. 6,145,688) which claims the benefit of Provisional 60/021,934 filed July 17, 1996.

Enclosed are:

- ☒ 28 page(s) of specification  
☒ 6 page(s) of claims  
☒ 1 page of Abstract  
☒ 11 sheet(s) of ☐ formal ☐ informal drawing(s):  
☐ An assignment of the invention to \_\_\_\_\_  
☒ A ☒ signed ☐ unsigned Declaration  
☒ A verified statement to establish small entity status under 37 CFR 1.9 and 37 CRF 1.27 ☐ is enclosed ☒ was filed in the prior application and small entity status is still proper and desired.  
☐ A certified copy of a \_\_\_\_\_ application.  
☐ Information Disclosure Statement under 37 CRF 1.97.  
☐ A petition to extend time to respond in the parent application.  
☒ Please cancel claims: 1-17 and 24-46  
☒ Please examine claims: 18-23 Figures: 11-13, 15, 17, 18 Species: Group VII

	No. Filed	Extra Claims	Small Entity Fee	Fee Paid
Basic Fee				\$375
Total Claims	<u>16</u> -20 =	<u>0</u> x	\$ 9.00 =	<u>0</u>
Independent Claims	<u>1</u> -3 =	<u>0</u> x	\$ 42.00 =	<u>0</u>
Multiple Dependent Claim		x	\$140.00 =	
			TOTAL	\$ 375

☒ A check for \$ 375<sup>00</sup> is enclosed.

2 extra copies of this sheet are enclosed

Respectfully submitted,

James C. Smith 7/21/2003  
James C. Smith  
336 Harder Road  
Hayward, CA 94544  
(510-881-5526)

Date

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

James C. Smith

Title

Closure Device for Containers

Attorney Docket Number

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

July 21 2003

Date

James C. Smith

Signature

(510) 881-5526

Telephone number

James C. Smith

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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